
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

PATRICK RAY,

Plaintiff,

versus

SGT. CRIPPIN,

Defendant.

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CIVIL ACTION H-07-604

Opinion on Dismissal

Patrick Ray is a state prisoner. He moves for injunctive relief against a prison guard, Sgt. Crippin. Ray says Crippin has put his life in danger by making harassing remarks including threatening to harm him or have others do so. Ray fears for his life because Crippin is a ranking official who can “create” harm against him or death. Crippin’s threats have made Ray feel scared and watch his back. He loses sleep and wakes up thinking Crippin will kill him.

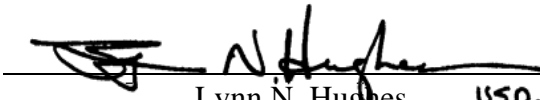
Ray moves for a temporary restraining order and preliminary injunction directing Crippin to refrain from harassing Ray, to remove Ray’s gang membership information from prison files, and to immediately transfer Ray from the Ellis Unit to another prison unit.

Ray’s complaint suffers from a lack of factual specificity about what Crippin said and did. Second, Ray has not said whether he has exhausted his prison state administrative remedies by filing prison grievances. 42 U.S.C. § 1997e(a); *Johnson v. Johnson*, 385 F.3d 503, 512 (5th Cir. 2004). Finally, this court does not manage the Ellis Unit. A federal judge should not decide matters of prison administration. *Block v. Rutherford*, 468 U.S. 576, 588 (1984). Preliminary injunctive relief is “an extraordinary and drastic remedy, not to be granted routinely, but only when the movant, by a clear showing, carries the burden of persuasion.” Ray has not met the burden necessary to issue a TRO or other preliminary injunctive relief. FED. R. CIV. P. 65(b), (c); *Evergreen Presbyterian Ministries Inc. v. Hood*, 235 F.3d 908, 917-18 (5th Cir. 2001).

Ray fails to state a claim on which relief may be granted. This case is dismissed without prejudice. Ray's motion for a temporary restraining order and for a preliminary injunction (1) are denied without prejudice.

The Clerk will send a copy to the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159; and to the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Attention: Three-Strikes List, by regular mail or e-mail.

Signed on March 6, 2007, at Houston, Texas.


Lynn N. Hughes **USDJ**
United States District Judge